Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

Message Text

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PAGE 01 USUN N 05782 01 OF 08 080524Z

11
ACTION IO-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

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LIMITED OFFICIAL USE SECTION 1 OF 8 USUN 5782

FOR ASST SEC OF STATE BUFFUM

E.O. 11652: N/A
TAGS: UNGA, SHUM, PFOR, SF
SUBJECT: VORSTER CHALLENGE TO MITCHELL STATEMENT ON APARTHEID

REF: PRETORIA 19045; PRETORIA 18873

1. MISSION IS TRANSMITTING HEREWITH DRAFT TEXT OF STATEMENT
CLARENCE MITCHELL PLANS TO MAKE IN RESPONSE TO VORSTER CHALLENGE.

2. PER RECOMMENDATION IN PRETORIA 18873 -,$ 19045
AND CONCERN THAT SUCH PERSONS WOULD BE SUBJECT TO REPRISALS
IT DOES NOT NAME INDIVIDUALS WHO ARE PRESENTLY DETAINED
ONLY FOR OUTSPOKEN OPPOSITION TO APARTHEID.

3. STATEMENT DOES PROVIDE OFFICIAL SA LIST OF BANNED
PERSONS, AND DISCUSSES TWO INTERNATIONALLY KNOWN PAST CASES.

4. GENERAL APPROACH IS A STRONG CRITIQUE OF THE SOUTH
AFRICAN LAWS LETTING THEM SPEAK FOR THEMSELVES, FOLOWING
SEVERAL SUGGESTIONS IN REFTEL 19045.

5. MISSION VIEWS STATEMENT AS STRONG AND EFFECTIVE
RESPONSE TO VORSTER. SINCE UNACCEPTABLE APARTHEID RESOLUTIONS
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PAGE 02 USUN N 05782 01 OF 08 080524Z

IN GA OFTEN HAVE FORCED USG ON DEFENSIVE REGARDING OPPOSITION

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TO APARTHEID, VORSTER CHALLENGE PROVIDES OPPORTUNITY TO
DEMOSTRATE STRENGTH OF USG CONVICTION ON THE SUBJECT.

6. AFTER CLEARANCE, STATEMENT TO BE GIVEN APPROPRIATE
GA FORUM YET TO BE DETERMINED.

QUOTE

ON OCTOBER 23, 1975, WHEN SPEAKING ON BEHALF OF MY
GOVERNMENT BEFORE THE SPECIAL POLITICAL COMMITTEE ON THE
SUBJECT OF APARTHEID, I MADE THE FOLLOWING STATEMENT;

"THE U.S. DEPLORES THE DETENTION OF PERSONS WHOSE ONLY
ACT IS OUTSPOKEN OPPOSITION TO THE SYSTEM OF APARTHEID. THE
SOUTH AFRICAN GOVERNMENT IS COURTING DISASTER WHEN SUCH
REPRESSIVE MEASURES HAVE THE EFFECT OF CLOSING OFF ALL
AVENUES FOR PEACEFUL CHANGE."

PRIME MINISTER VORSTER OF SOUTH AFRICA HAS CALLED THE FIRST
SENTENCE OF THAT QUOTED PORTION OF MY SPEECH A "DOWNRIGHT LIE."
HE HAS ALSO CALLED FOR THE NAME OF JUST ONE INDIVIDUAL IN
SOUTH AFRICA WHO WAS ARRESTED AND DETAINED ONLY BECAUSE OF HIS
OUTSPOKEN OPPOSITION TO APARTHEID.

IF THE PRIME MINISTER WANTS TO ESTABLISH CREDIBILITY AT
THE U.N. ON THE MATTER OF REPRESSIVE LAWS AND POLICIES IN HIS
COUNTRY HE CANNOT DO SO BY TRYING TO NARROW THE ISSUE TO ONE
POINT OR BY CALLING FOR THE NAME OF ONE VICTIM. HE WOULD BE
BETTER OFF IF HE COULD GIVE POSITIVE ASSURANCE THAT HIS
GOVERNMENT WILL STOP MAKING ARRESTS AND HOLDING PERSONS ON
VAGUE CHARGES. HIS INDIGNATION WOULD SEEM MORE PLAUSIBLE IF
HE ACCOMPAINED IT WITH AN ANNOUNCEMENT OF FULL EQUALITY UNDER
THE LAWS OF HIS COUNTRY FOR ALL SOUTH AFRICANS WITHOUT REGARD
TO RACE OR COLOR.

ONE USEFUL OPPORUTNITY EMERGES FROM THE HEATED RESPONSE OF
THE PRIME MINISTER. AT LAST HE HAS SHOWN THAT HE IS PAYING
ATTENTION TO THE MUCH DESERVED CRITISM BEING VOICED AGAINST
THE RACIAL POLITICS AND POLICIES OF SOUTH AFRICA.
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SOME OF THE MEMBERS OF THE U.S. DELEGATION OF THE U.N. HAVE
MADE EXTENSIVE STUDIES OF SOUTH AFRICAN RACIAL POLICIES AND
THE METHOD OF ENFORCING THOSE POLICIES. CONGRESSMAN DONALD M.
FRASER, WHO IS A MEMBER OF THE U.S. DELEGATION TO THE U.N. AND
ALSO A MEMBER OF THE COMMITTEE ON INTERNATIONAL RELATIONS IN THE
U.S. HOUSE OF REPRESENTATIVES, HAS BEEN AND CONTINUES TO BE
DEEPLY INTERESTED IN AFRICA.

HE AND I AGREE THAT THE SOUTH AFRICAN GOVERNMENT HAS THE

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Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

FORMS BUT LITTLE OF THE SUBSTANCE OF DEMOCRACY. TO UNDERSTAND THIS ONE SHOULDCONSIDER THIS BRIEF COMMENT. FIRST, SOUTH AFRICA DOES HAVE A PARLIAMENT AND A CABINET REPRESENTATIVE OF THE MAJORITY PARTY. OPPOSITION PARTY MEMBERS OF THAT PARLIAMENT CAN AND DO ENGAGE IN DEBATE. THERE IS WHAT SOME WOULD CONSIDER AN INDEPENDENT JUDICIAL BRANCH OF GOVERNMENT, BUT IT IS SHARPLY RESTRICTED BY THE REPRESSIVE NATURE OF SOUTH AFRICA'S LAWS. WHILE THE SOUTH AFRICAN PRESS IS FREQUENTLY CRITICAL OF SOUTH AFRICA'S RACIAL LAWS AND POLICY THAT INSTITUTION MUST GIVE ITS OWN ASSESSMENT OF HOW MUCH FREEDOM FROM GOVERNMENT INTERFERENCE IT ACTIVELY ENJOYS OR FEELS FREE TO EXERCISE.
THE TRAGIC FACT OF THEMATTER IS THAT WHATEVER PARTICIPATION IN DEMOCRATIC FORMS MAY BE ENJOYED BY ANY OF THE WHITES OF SOUTH AFRICA, IT IS ALMOST ENTIRELY DENIED TO NON WHITES. EVEN SOME PARTS OF THE WHITE POPULATION ARE NOT FREE IN THE SAME SENSE THAT THEY WOULD BE IN A TRUE DEMOCRACY.

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PAGE 01 USUN N 05782 02 OF 08 080605Z

20
ACTION IO-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

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WHEN THE COUNTRY WAS UNIFIED IN 1910, WITH THE EXCEPTION OF THE CAPE NON-WHITE VOTE, THE POSSIBILITY OF A MEANINGFUL BALCK VOTE WAS ELIMINTED. AND THE NATIONALIST GOVERMNETN CAME INTO POWER IN 1948 THE PROCESS OF EXCLUSION OF NON WHITES FROM INFLUENCING GOVERMENTAL POLICY WAS EXTENDED BY PASSING AND ENFORCING REPRESSIVE ELGISLATION.

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

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IN ANY SOCIETY IT IS POSSIBLE FOR LAW ENFORCEMENT AGENCIES
TO PERVERT JUST LAWS BY USING THEM FOR REPRESSIVE PURPOSES.
BEING AWARE OF THAT POSSIBILITY, MY OWN COUNTRY HAS ESTABLISHED
SAFEGUAGDS IN OUR CONSTITUTION AND LAWS TO GUARD AGAINST ACTS WHICH
OFFICIALS MIGHT USE TO DEPRIVE PERSONS OF THEIR RIGHTS. WHILE
I DO NOT PRETENT TO SAY WE ARE PERFECT IN THAT RESPECT, I AM
PLEASED TO SAY THAT THESE IMPORTANT LAWS EXIST AND ARE ENFORCED
AND I AM PFOUD THAT I HAVE PLAYED A PART IN GETTING SOME OF
THESE LAWS ENACTED.

IN SOUTH AFRICA THE LAWS ARE WRITTEN TO REPRESS AND STIFLE
FREE EXPRESSION OR LAWFUL ACTIVITY TO CHANGE SUCH STATUTES.
THUS, WHILE THERE IS ABUNDANT EVIDENCE OF REPRESSIVE
ACTS BY THOSE WHO ENFORCE THE LAW IN THE COUNTRY, IT MUST BE
REMEMBERED THAT WHAT THESE OFFICIALS DO IS SANCTIONED BY LAW
INSTEAD OF BEING PROHIBITED. FOR THAT REASON IT IS IMPORTANT THAT
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SOME STATEMENT BE MADE ABOUT THE NATURE OF SOUTH AFRICAN LAWS
AND THE POLICIES THAT IMPLEMENT THOSE LAWS.

THE SOUTH AFRICAN SYSTEM OF DETENTION AND REPRESSION IS
BUILT INTO THE LEGAL STRUCTURE ITSELF. THERE IS A SYSTEM OF
POLITICAL LAWS, WHICH ARE DESIGNED TO STIFLE AND
INTIMIDATE POLITICAL OPPOSITION, LAWS
WHICH MAKE CRIMINAL, ACTS WHICH ARE NOT
CRIMINAL IN ANY FREE SOCIETY. INDEED, THE ACTS THAT ARE MADE
CRIMINAL IN SOUTH AFRICA ARE ACTS WHICH FORM THE ROUGH
GIVE AND TAKE WHICH IS THE LIFE BLOOD OF DEMOCRACY.

THE STATUE EMPLOYED TO STIFLE OPPOSITION TO SOUTH
AFRICA'S RACIAL POLICY ARE NUMEROUS: THESE INCLUDE THE SO
CALLED "SUPPRESSION OF COMMUNISM ACT," THE SO-CALLED "TERROR-
ISM ACT," THE BANTU ADMININSTRATION ACT, THE UNLAWFUL OR-
GANIZATIONS ACT, THE PUBLIC SAFETY ACT, THE CRIMINAL LAW AMENDMENT
ACT, THE RIOTOUS ASSEMBLIES ACT, THE GENERAL LAW AMENDMENT ACT
(NO. 76 OF 1963) SECTION 21, THE GENERAL LAW AMENDMENT ACT
(NO. 37 OF 1963) SECTION 17, THE CRIMINAL PROCEDURE ACT
(NO. 56 OF 1955), SECTION 215 BIS, THE GENERAL LAW AMEND-
MENT ACT (NO. 62 OF 1966), SECTION 22.

CONSIDER THE SO-CALLED "SUPPRESSION OF COMMUNISM ACT."
THIS ACT, TOGETHER WITH ITS CIMPLEMENT, THE UNLAWFUL
ORGANIZATIONS ACT, IS ONE OF THE MOST IMPORTANT ELEMENTS
EMPLOYED BY THE SOUTH AFRICAN GOVERNMENT TO LIMIT
INDIVIDUAL OPPOSITION TO APARTHEID AND TO DESTROY POLITICAL
ORGANIZATIONS WHICH OPPOSE APARTHEID.
IT SEEKS TO CONCEAL ITS REAL NATURE BY
DRAWING ON THE EMOTIONAL RESPONSES ATTACHED TO THE TERM
"COMMUNIST."

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

THE ACT STARTS OUT BY DECLARING THE SOUTH AFRICAN
COMMUNIST PARTY TO BE AN UNLAWFUL ORGANIZATION. IT THEN
AUTHORIZES THE STATE PRESIDENT TO DECLARE UNLAWFUL,
ORGANIZATIONS OTHER THAN THE COMMUNIST PARTY IF HE
IS SATISFIED THAT THE ORGANIZATION ENGAGED IN ACTIVITIES
WHICH ARE CALCULATED TO FURTHER THE ACHIEVEMENT OF ANY OF
THE OBJECTIVES REFERRRED TO IN THE STATUTE'S DEFINITION
OF COMMUNISM. THIS DEFINITION INCLUDES ANY DOCTRINE OR
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PAGE 03 USUN N 05782 02 OF 08 080605Z

SCHEME " WHICH AIMS AT BRINGING ABOUT POLITICAL, INDUSTRIAL,
SOCIAL OR ECONOMIC CHANGE WITHIN THE REPUBLIC BY THE
PROMOTION OF DISTURBANCE OR DISORDER." THUS ALL THAT IS
NECESSARY FOR A POLITICAL ORGANIZATION TO BE DECLARED ILLEGAL
IS THAT THE STATE PRESIDENT IS SATISFIED THAT IT AIMS AT
BRINGING ABOUT CHANGE THROUGH DISORDER OR DISTURBANCE.
NO DEFINITION OF "DISTURBANCE OR DISORDER" IS GIVEN. BECAUSE
NO DEFINITION EXISTS, THE POLICE HAVE FULL DISCRETION. AS
A RESULT, PASSIVE RESISTANCE CAMPAIGNS AND SIT-INS CAN
AND HAVE BEEN TREATED AS DISTRUBANCES AND THUS "COMMUNISTIC."

IT SHOULD BE NOTED THAT NO JUDICIAL PROCESS IS
NECESSARY TO MAKE THE POLITICAL ACTIVITY OF ANY ORGANIZATION
ILLEGAL. ALL THAT IS NECESSARY IS THAT THE STATE PRESIDENT
ISSUE A PROCLAMATION. NO NOTICE NEED BE GIVEN TO THE

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PAGE 01 USUN N 05782 03 OF 08 080651Z

12
ACTION IO-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

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ORGANIZATION. IN THE CASE OF SOUTH AFRICAN DEFENSE AND AID FUND VS MINISTER OF JUSTICE, THE APPELLATE DIVISION HELD THAT THE ORGANIZATION HAS NO RIGHT TO BE HEARD AT ANY STAGE.

ONCE AN ORGANIZATION HAS BEEN DECLARED ILLEGAL, THERE ARE FAR REACHING PENALTIES IMPOSED UPON IT AND ITS MEMBERS. FOR THE ORGANIZATION, ITS LEGAL LIFE IS ENDED. ITS PROPARTY VESTS IN A LIQUIDATOR APPOINTED BY THE MINISTER. AFTER DEBTS ARE PAID, ANY SURPLUS IS GIVEN TO CHARITABLE AND SCIENTIFIC ORGANIZATIONS DESIGNATED BY THE THE MINISTER.

WHEN AN ORGANIZATION HAS BEEN DECLARED UNLAWFUL, THE LIQUIDATOR MAY COMPILE A LIST OF PERSONS WHO WERE, WHETHER BEFORE OR AFTER THE COMMENCEMENT OF THE ACT, OFFICE-BEARERS, OFFICERS, MEMBERS OR ACTIVE SUPPORTERS OF THE ORGANIZATION. AN INDIVIDUAL HAS ONLY TWELVE MONTHS TO INSTUTE JUDICIAL PROCEEDINGS TO GET HIMSELF REMOVED FROM THE LIST. IT IS UP TO HIM TO PROVE THAT "HE NEITHER KNEW NOR COULD REASONABLY HAVE BEEN EXPECTED TO KNOW THAT THE PURPOSE OR ANY OF THE PURPOSES OF THE ORGANIZATION WERE OF SUCH A NATURE OR THAT IT WAS ENGAGED
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IN SUCH ACTIVITIES AS MIGHT RENDER IT LIABLE TO BE DECLARED AN UNLAWFUL ORGANIZATION." THUS, PURELY BY ADMINISTRATIVE ACTION NOT ONLY THE ORGANIZATION BUT THE INDIVIDUAL IS FOUND GUILTY AND IS GIVEN THE EXPENSE OF AN UMPROMISING ATTEMPT TO CLEAR HIMSELF.

BASED UPON THIS LISTING THE INDIVIDUAL MAY BE

PROHIBITED FROM JOINING ORGANIZATION OF ANY TUPE SPECIFIED BY THE MINISTER. THERE IS A BLANKET PROJIBITIION AGAINST BELONGING TO ANY ORGANIZATION " WHICH IN ANY MANNER PROPAGTES, DEFENDS, ATTACKS, CRITICIZES, OR DISCUSSES .. ANY.. POLICY OF THE GOVERNMENT OF A STATE." (PARA . 2 OF PART II OF THE ANNEXURE TO GOVERNMENT NOTICE 2130, SUPRA.)

TE ACT FURTHER RESTRICTS THE INDIVIDUAL'S CIVIL LIBERTIES BY MAKING IT A CRIME TO RECORD, REPRODUCE, PIRINT, PUBLISH OR DISSEMINATE ANY STATEMENT MADE BY A LISTED

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

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PERSON. A LISTED PERSON IS ALMOST WITHOUT EXCEPTION DIS-
QUALIFIED FROM PRACTICE AS A ADVOCATE, ATTORNEY OR NORARY.
IT IS A CRIMINAL OFFENSE FOR A LOSTED PERSON TO CHANGE HIS
RESIDENCE WITHOUT GIVING NOTICE TO THE POLICE. HE IS
DISQUALIFIED FROM HOLDING VARIOUS ELECTIVE OFFICES AND
COMMITES A CRIMINAL OFFENSE IF HE ACCEPTS NOMINATION FOR
ELECTION.

THUS, IN A VARIETY OF WAYS, A NET OF NEW
CRIMINAL OFFENSES IS THROWN AROUND THE INDIVIDUAL. WITHOUT
TRIAL HE IS PRECLUDED FROM PARTICIPATING
IN POLITICAL LIFE.

THE ACT DOES MORE THAN CREATE NEW POLITICAL CRIMES
AND TREAT INDIVIDUALS UNJUSTLY. IT SERVES THE GENERAL
AND MORE BASIC PURPOSE OF DISCOURAGING AS BOTH DANGEROUS
AND FUTILE ALL POLITICAL CRITICISM OF THE SYSTEM.

THE SYSTEM OF APARTHEID INCLUDES NOT ONLY THIS
SYSTEM OF POLITICAL REPRESSION, IT INCLUDES AS ONE OF ITS
ELEMENTS A SYSTEM OF DETENTION. DETENTION IS SO THOURUGHLY
A PART OF SOUTH AFRICAN LIFE THAT IS IMPOSSIBLE TO
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IMAGINE APARTHEID WITHOUT IT. IN MY ORIGINAL STATEMENT,
I SPOKE OF THE DETENTION OF OPPONENTS OF APARTHEID, BUT
THERE IS AN EVEN MORE BASIC FORM OF DETENTION WHICH IS
AT THE HEART OF THE APARTHEID SYSTEM. IT REQUIRES NO ACT
AND IS NOT CONDITIONAL ON ANY BELIEF. IT APPLIES TO SOUTH
AFRICANS WHO ARE BLACK BECAUSE THEY ARE BLACK. IT IS CARRIED
OUT THROUGH THE OPERATION OF THE NOTORIOUS "PASS LAWS"
WHICH RESTRICT THE FREEDOM OF MOVEMENT OF BLACK SOUTH
AFRICANS. THEY REQUIRE THAT EVERY BLACE SOUTH AFRICAN
CARRY AT ALL TIMES A PASS WHICH SPECIFIES THE ONE PLACE IN
WHITE SOUTH AFRICA WHERE THE BLACK IS ALLOWED TO BE, TO
REMAIN, TO RESIDE AND TO WORK. FAILURE TO CARRY THE PASS,
OR CONTRAVENTION OF THE TERMS OF THE PASS, IS A CRIMINAL
OFFENSE. IT IS AS THOUGH ONE WAS RESTRICTED FOREVER TO A
SPECIFIC PLACE MERELY BECAUSE ONE HAD BEEN BORN THERE. EVEN
MARRIED COUPLES FROM DIFFERENT AREAS ARE NOT PERMITTED TO
LIVE TOGETHER WITHOUT SPECIAL PERMISSION.

THE PASS LAWS ASIDE, THERE ARE SEVERAL DIFFERENT
ORMS OF DETENTION IN SOUTH AFRICA AND THESE RESULT IN

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Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

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PAGE 01 USUN N 05782 04 OF 08 080640Z

12
ACTION IO-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 DHA-02

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LIMITED OFFICIAL USE SECTION 4 OF 8 USUN 5782

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VARIOUS CLASSES OF DETAINEES. THERE ARE:

1. THOSE WHO ARE UNDER BANNING ORDERS
INCLUDING HOUSE ARREST.

2. THOSE WHO ARE BEING DETAINED WITHOUT
CHARGES.

3. THOSE WHO HAVE BEEN CHARGED, AND
ARE EITHER AWAITING TRAIL OR SERVING
SENTENCES OR ARE DETAINED WITHOUT TRAIL
AFTER SERVING SENTENCES.

BANNING ORDERS ARE ISSUED UNDER THE SO-CALLED
"SUPPRESSION OF COMMUNISM ACT". THEY VARY IN FORM AND
DEGREE. THE MOST SEVERE ARE THOSE WHICH INCLUDE 24-HOUR
HOUST ARREST. THEY MAY BE LESS SEVERE AND PERMIT MOVEMENT
WITHIN A PARTICULAR NEIGHBORHOOD OR DISTRICT. THEY RESTRICT
THE PERSON FROM ATTENDING ANY GATHERING OF MORE THAN
2 PERSONS - WHETHER OF A POLITICAL OR PURELY SOCIAL
NATURE. THEY MAY FURTHER RESTRICT HIS RIGHT TO COMMUNICATE OR VISIT
WITH OTHERS, AS WELL AS HIS RIGHT TO ENGAGE IN VARIOUS
OCCUPATIONS. THEY OFTEN RESULT IN LOSS OF EMPLOYMENT.
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PAGE 02 USUN N 05782 04 OF 08 080640Z

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

AS WE HAVE SEEN, BANNING ORDER ARE IMPOSED WITHOUT TRAIL. THEIR INTENT IS TO RESTRICT THE FREEDOM OF MOVEMENT AND POLITICAL PARTICIPATION OF INDIVIDUALS WHO ARE POLITICAL OPPONENTS OF THE REGIME. THEY ARE GIVEN TO PEOPLE AGAINST WHOM THE GOVERNMENT CAN PROVE NO OFFENSE AS WELL AS TO THOS POLITICAL PRISONERS WHO HAVE BEEN CONVICTED AND HAVE COMPLETED SERVING THEIR SENTENCES. VIOLATION OF THESE ORDERS ITSELF CONSTITUTES A CRIME WHICH MAY RESULT IN IMPRISONMENT.

A TYPICAL BANNING ORDER STARTS WITH THESE WORDS. "WHEREAS I, -------, THE MINISTER OF JUSTICE, AM SATISFIED THAT YOU ENGAGE IN ACTIVITIES WHICH ARE FURTHERING OR MAY FURTHER THE ACHIEVEMENT OF THE OBJECTS OF COMMUNISM. I HEREBY...PROHIBIT YOU...FROM ..." WHAT FOLLOWS IS A LONG LIST OF PROHIBITIONS WHICH FORCE THE INDIVIDUAL TO CHOOSE BETWEEN ABSTENTION FROM ALL POLITICAL ACTIVITY OR VIOLATION OF SOUTH AFRICAN LAW.

THE MOST RECENT INFORMATION PUBLISHED IN THE SOUTH AFRICAN GOVERNMENT GAZETTE LISTS BANNED PERSONS. THEIR NAMES FOLLOW. I WILL NOT READ THEM ALOUD BUT THEY ARE INCOUDED IN THE PRINTED TEXT.

THE SECOND CATEGORY OF DETEINEES ARE THOSE THAT ARE ACTUALLY HELD BY GOVERNMENT AUTHORITIES BUT NOT CHARGED WITH ANY OFFENSE. MOST OF THESE DETAINEES ARE HELD UNDER SECTION (6) OF THE TERRORISM ACT.

SECTION (6) OF THE ACT PROVIDES FOR INDEFINITE DETENTION IMCOMMUNICADO OF PERSONS BELIEVED TO BE TERRORISTS OR TO HAVE INFORMATION ABOUT TERRORISM.

TERRORISM IS DEFINED IN THE ACT IN TERMS BROAD ENOUGHT TO INCLUDE AS TERRORISTS ACT ANY OF A VARIETY OF PEACEFUL PROTESTS AGAINST STATE POLICY. THUS, SECTION 2(2) STATES THAT IF IT IS PROVED THAT THE ACCOUSED COMMITTED AN ACT WHICH HAD OR WAS LIKELY TO HAVE RESULTS SUCH AS THE OBSTRUCTION OF TRAFFIC, THE HINDERANCE OF ADMINISTRATION OF THE AFFAIRS OF THE STATE OR "TO CAUSE, ENCOURAGE OR
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FURTHER FEELINGS OF HOSTILITY BETWEEN WHITE AND OTHER INHABI-TANTS OF THE REPUBLIC," THEN THE ACCUSED SHALL BE PRESUMED TO HAVE COMMITTED " SUCH ACT WITH INTENT TO ENDANGER THE MAINTENANCE OF LAW AND ORDER IN THE REPUBLIC, UNLESS IT IS PROVED BEYOND A RESONABLE DOUBT THAT HE DID NOT INTEND ANY OF THE RESULTS AFORESAID." SECTION 2(1) MAKES ANY SUCH ACT COMMITTED WITH INTENT A "TERRORISTIC ACT."

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

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THUS, ACTS RANGING FROM WRITING POETRY ABOUT THE
SUFFERING OF BALCKS UNDER APARTHEID, TO ENGANGING IN A
HUNGER STRIKE, OR A PEACEFUL SIT-IN MAY CONSTITUTE TERRORISM.

IF ONE IS BELIEVED TO HAVE INFORMATION ABOUT SUCH
ACTS OF SO-CALLED "TERRORISM" SECTION (6) NOT ONLY
PROVIDES FOR UNLIMITED DETENTION, IT SPECIFIES THAT THE PERSON MAY
BE ARRESTED WITHOUT A WARRANT AND THEN EXPLICITLY STATES
THAT "NO COURT OF LAW SHALL PRONOUNCE UPON THE VALIDITY
OF ANY ACTION TAKEN UNDER THIS SECTION, OR ORDER THE
RELEASE OF ANY DETAINEE."

FINALLY, AND THIS MAY EXPLAIN MR. VORSTER'S CHALLENGE
TO NAME NAMES, SECTION 6 (6)
STATES THAT:
"NO PERSON, OTHER THAN THE MINISTER OR AN OFFICER
IN THE SERVICE OF THE STATE ACTING IN THE PERFORMANCE OF
HIS OFFICIAL DUTIES, SHALL HAVE ACCESS TO ANY DETAINEE,
OR SHALL BE ENTITLED TO ANY OFFICIAL INFORMATION RELATING
TO OR OBTAINED FROM ANY DETAINEE."

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PAGE 01 USUN N 05782 05 OF 08 080727Z

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ACTION IO-10

INFO OCT-01 ISO-00 AF-06 ARA-06 EA-07 EUR-12 NEA-10

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

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TO SECSTATE WASHDC 3798

LIMITED OFFICIAL SECTION 5 OF 8 USUN 5782

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IT IS INTERESTING TO NOTE THAT AN EXCHANGE BETWEEN

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

MRS. HELEN SUZMAN, A MEMBER OF THE HOUSE OF ASSEMBLY OF THE
REPUBLIC OF SOUTH AFRICA, AND THE MINISTER OF POLICE IN THAT
COUNTRY GIVES ENLIGHTENING DETAILS ON HOW THE DETENTION SYSTEM
WORKS. THE COLLQUY IS PRINTED IN THE WEEKLY EDITION
FEBRUARY 8, 1975 OF THE HOUSE OF ASSEMBLY DEBATES ON PAGES 34 THROUGH

38.

IN RESPONSE TO QUESTIONS THE MINISTER OF POLICE REVEALED THAT
DURING 1973 69 MALES AND 13 FEMALES WERE ARRESTED AND
DETAINED UNDER REGULATION 19 OF PROCLAMATION R. 17 OF 1972. THESE
PERSONS WERE HELD FOR PERIOD RANGING FROM 1 DAYS.
MOST WERE HELD FOR PERIODS OF 20 TO 65 DAYS. OF THESE
HELD ONLY 27 WERE CHARGED WITH ANY OFFENSE. FOR THESE THE
CHARGE WAS, CONTRAVENTION OF REGULATIONS 3 AND 11 OF PRO-
CLAMATION R. 17 OF 1972. ACCORDING TO THE MINISTER, 26
OF THE 27 WERE VCONVICTED.

AT ANOTHER POINT IN THE EXCHANGE, THE MINISTER GAVE A
RACIAL BREAKDOWN ON THE NUMBER OF PERSONS DETAINED DURING
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THE PERIOD OF MARCH 1, 1973, TO DECEMBER 31, 1973. OF THESE
49 WERE WHITE, 16 WERE ASIANS, 34 WERE COLOUREDS AND 117 WERE
WHAT SOUTH AFRICA CALLS BANTU. THESE WERE DETAINED UNDER
SECTION 13 OF THE ABUSE OF DEPENDENCE-PRODUCING SUBSTANES AND
REHABILITATION ACT. THE PER/
IOD OF DETENTION LASTED FROM
1 DAY TO 113 DAYS WITH MOST GEING HELD FROM 5 TO 50
DAYS.

THE SUZMAND QUESTIONING ALSO REVEALED THAT IN 1969, 26
PERSONS WERE DETAINED UNDER THE SOUTH AFRICAN PROCLAMATION NO. 400 OF

1960. TWENTY-TWO OF THESE PERSONS WERE HELD FROM PERIODS
RANGING FROM 2 TO 125 DAYS AND THEN RELEASED WITHOUT CHARGES.
FOUR WERE CHARGED AFTER BEING DETAINED FROM 56 TO 103 DAYS.
THE RECORD DOES NO SHOW WHETHER ANY
OF THE FOUR WERE CONVICTED.

ON MAY 27, 1975 MRS. SUZMAN ASKED THE MINISTER OF POLICE:
WHETHER NY PERSONS DETAINED IN SEPTEMBER 1974
IN TERMS OF SECTION 6 OF THE TERRORISM ACT AS A RESULT
OF INVESTIAGATIONS IN CONNCECTION WITH MEETINGS PLANNED
IN SUPPORT OF THE FRELIMO MOVEMENT OF MOZAMBIQUE,
ARE STILL IN DETENTION UNDER THAT SECTION; IF SO, HOW
MANY."

THE MINISTER REPLIED:

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Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

"YES. I AM NOT PREPARED TO DISCLOSE THIS INFORMATION."
MRS SUZMAN ASKED :
"WHETHER ANY OF PERSONS DETAINED HAVE BEEN CHARGED;
IF SO (A) WITH WHAT OFFENSES, (B) WHEN WERE THEY SO CHARGED;
AND (C) HOW MANY PERSONS WERE CHARGED WITH EACH OFFENSE."

THE MINISTER REPLIED:
"YES.
"(A) CONTRAVENTION OF SECTION 2 OF THE TERRORISM ACT.
"(B) ON 31-1-1975
"(C) 12."

MRS. SUZMAN FURTHER ASKED:
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PAGE 03 USUN N 05782 05 OF 08 080727Z

"WHETHER ANY OF THEM HAVE NOT BEEN CHARGED AND ARE IN
DETENTION IN TERMS OF OTHER LEGAL PROVISIONS; IF OS
(A) HOW MANY, AND (B) IN TERMS OF WHAT LEGAL PROVISIONS."
THE MINISTER OF POLICE RESPONDED:
"I AM NOT PREPARED TO DISCLOSE THIS INFORMATION." THIS
POLICE POWER STILL GOES UNCHECKED.

ON OCTOBER 23, 1975, THE RAND DAILY MAIL COMMENTED:
"EIGHT MORE TERRORISM ACT ARRESTS DURING THE PAST
WEEK HAVE BEEN REPORTED. ARE THSESE ALL THE ARRESTS THAT
HAVE TAKEN PLACE? WHY IS THERE THIS CONTINUING SERIES
OF ARRESTS? WHY ARE PEOPLE DISAPPEARING FOR DAYS OR UP
TO A YEAR AND THEN BEING RELEASED WITHOT TRAIL OR
EXPLANATION? HOW CAN ANYONE HAVING CONCERN FOR THE WELFARE
OF OUR COUNTRY COUNTENANCE OF OFFICIAL SILENCE?"

WITH RESPECT TO THOSE INDIVIDUALS WHO HAVE BEEN
DETAINED WITHOUT CHARGE, IT IS NOT THE RESPONSIBILITY OF
THE UNITED STATE TO PROVE THAT THE DETAINEES ARE INNOCENT
OF ANY WRONGDOING. ON THE CONTRARY, WE STAND BEHIND THEIR
RIGHT TO BE PRESUMED INNOCENT.

THE SITUATION IS ONLY TOOO CLEAR. THE SOUTH AFRICAN
GOVERNMENT HOLDS THESE INDIVIDUALS. THE SOUTH AFRICAN
GOVERNMENT KNOWS THEIR NAMES. IT IS SOUTH AFRICAN LAWS WHICH
COUNTENANCE OFFICIAL SECRECY. IT IS SOUTH AFRICANS OFFICIALS
WHO REFUSE TO DIVULGE THIS INFORMATION. IT IS THE SOUTH AF-
FICANS WHICH OPERATES UNDER THE SHROUD OF SECRECY.
AFTER PRIME MINISTER VORSTER'S STATEMENT, THE CAPE
TIMES, A RESPECTED SOUTH AFRICAN NEWSPAPER, IN
ITS LEAD EDITORIAL FOR NOVEMBER 3, 1975 SAID THAT THE
CONTROVERSY:

ILLUSTRATES HOW INDEFENSIBLE THE PRESENT SYSTEM
OF DETENTION IS IN SOUTH AFRICA. THE FACT IS

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Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

THAT UNLESS MR. VORSTER IS PREPARED TO REVEAL
REASONS FOR DETENTIONS, HE WILL BE UNABLE TO
ANSWER CONVINCINGLY THE UNITED STATES GOVERNMENT
CHARGE THAT PEOPLE ARE DETAINED WHOSE ONLY ACT
IS OUTSPOKE OPPOSITION TO APARTHEID. TO TERM
THIS A "DOWNRIGHT LIE" AS MR. VORSTER HIS,
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PAGE 04 USUN N 05782 05 OF 08 080727Z

MIGHT SOUND IMPRESSIVE FOR DOMESTIC CONSUMPTION,
BUT IT IS NOT REALLY SATISFACTORY.

THE EDITORIAL CONCLUDED:

FOR A START, MR. VORSTER SHOULD ABOLISH THE
INIQUITOUS TERRORISM ACT IF HE WANTS TO DEAL
EFFECTIVELY WITH THE U.S. CHARGE. THE ACT
PROVIDES FOR INDEFINITE DETENTION INCOMMUNICADO
AND WITHOUT TRAIL. ON THE MERE SAY-SO OF A
POLICE OFFICER. THERE ARE NO EFFECTIVE JUDICIAL
REVIEWS OR GUARANTEES. WHILE THE SYSTEM REMAINS
ON THE STATUTE BOOKS, CHARGES SUCH AS THE RECENT
U.S. DELEGATE'S REMARKS IN THE U.N. WILL PERSIST;
AND THEY CANNOT BE ANSWERED CONVINCINGLY. SOUTH
AFRICA, MOREOVER, WILL REMAIN IN THE DUBIOUS
COMPANY OF COUNTRIES WHICH BYPASS THE DUE PROCESS
OF LAW AS PART OF THE ORDINARY ROUTINE.

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PAGE 01 USUN N 05782 06 OF 08 080959Z

20
ACTION IO-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

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Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

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THERE IS A THIRD CATEGORY OF DETAINEES: THOSE THAT HAVE ACTUALLY BEEN CHARGED WITH CRIMINAL OFFCNSES AND ARE EITHER AWAITING TRIAL OR HAVE BEEN SENTENCED AND ARE NOW IN PRISON.

WE MUST EXAMINE THESE CASES WITHIN THE UNIQUE SOUTH AFRICAN CONTEXT.

AS WE HAVE SEEN, THERE EXISTS A SERIES OF LAWS THAT ARE DESIGNED AND ARE CONSISTENTLY USED TO SETTLE POLITICAL OPPOSITION. INDIVIDUALS MAY BE CONVICTED UNDER THESE LAWS FOR PERFORMING ACTS WHICH WOULD NOT CONSTITUTE CRIMINAL BEHAVIOUR IN A FREE SOCIETY. WITHIN THIS CATEGORY I INCLUDE VIOLATION OF THE BANS RESTRICTING THE INDIVIDUALS RIGHT TO EXERCISE TRADITIONAL POLITICAL FREEDOMS, SUCH AS WRITING AND SPEAKING ON MATTERS OF PUBLIC POLICY. THE SO-CALLED "SUPPRESSION OF COMMUNISM ACT" MAKES IT A CRIME TO PUBLISH ANYTHING SAID OR WRITTEN BY A BANNED PERSON. THE GATHERINGS AND DEMONSTRATIONS ACT AUTHORIZES THE MINISTER OF JUSTICE, AT HIS OWN DEISCRETION,
TO PROHIBIT DEMONSTRATIONS OR MEETINGS, HOWEVER PEACEFUL AND OTHERWISE LAW ABIDING, IN ANY AREA HE DESIGNATES FOR AS
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PAGE 02 USUN N 05782 06 OF 08 080959Z

LONG AS HE DESIGNATES. VILLATION OF SUCH PROHIBITIONS CARRY CRIMINAL PENALTIES.

THE PUBLICATIONS ACT OF 1974 - THE BASIC CENSORSHIP STATUTE OF SOUTH AFRICA -MAKES IT A CRIMINAL OFFENSE TO PUBLISH BOOKS AND ARTICLES OR TO SHOW FILS THAT ARE DEEMED "CONTRARY TO THE PUBLIC INTEREST." THE LIST OF SUCH BANNED BOOKS INCLUDES THE WORKS OF OUTSTANDING AFRICAN WRITERS AND EVEN INCLUDES THE WRIGINGS OF THE LATER CIVIL RIGHTS LEADER DRM MARTIN
LUTHER KING JR.

THE CUSTOMS AND EXCISE ACT MAKES IT A CRIME TO BRING THE COUNTRY MATERIAL WHICH WOULD BE UMPRO-BLEMATIC IN A FREE SOCIETY.

THERE ARE LAWS RESTRICTING STRIKES, DEMONSTRATIONS

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Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

AND MEETINGS. THESE INCLUDE THE BANTU LABOR ACT NO. 48
OF 1953), THE SUPPRESSION OF CUMMUNISM ACT, THE GENERAL
LAW FURTHER AMENDMENT ACT (NO. 92 OF 1970 SECTION 15),
THE GATHERINGS AND DEMONSTRATIONS ACT, THE RIOTOUS ASSEMBLIES
(NO. 17 OF 1956)

IN ADDITION THERE ARE SPECIAL LAWS DESIGED TO PREVENT
OTHER FORMS OF PEACEFUL PROTEST. THUS, THE CRIMINAL LAW
AMENDMENT ACT (NO. 8 OF 1953) PROVIDES SPECIAL, HARSHER
PENALTIES FOR ANY PERSON WHO COMMITS ANY OFFENSE, HOWEVER
MINOR, "BY WAY OF PROTEST" OR IN A CAMPAIGN TO REPEAL
OR MODIFY ANY ALW OR AFFECT ITS ADMINISTRATION. INSTEAD
OF THE NORMAL PENALTY ORIGINALLY IMPOSED FOR THE SAME
OFFENSE UNDER NON-POLITICAL CIRCUMSTANCES, HE MAY
PUNISHED BY SPECIALPENALTIES INCOUDING FINES, IMPRISONMENT
UP TO THREE YEARS AND WHIPPING. SECTION (2) OF THE SAME ACT
MAKES IT AN OFFENSE TO CAUSE ANYONE TO COMMIT AN OFFENSE BY
WAY OF PROTEXT OR IN SUPPORT OF A PROTEST CAMPAIGN. PEN-
ALTIES INCLUDE FINES, UP TO FIVE YEARS IN PRISON AND WHIPPING.

IN VIEW OF THE UNDERLYING FACT THAT BLACKS ARE
NOT PERMITTED TO VOTE IN ANY OF THE ELECTIONS FOR THOSE
OFFICIALS WITH THE POWER TO ELIMINATE OR ALTER THE SYSTEM
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OF APARTHEID, ONE MAY SAFELY SAY THAT ANY POLITCIAL EFFORT
WHICH HAS ANY REALISTIC LIEKLIHOOD OF MOBILIZING OPPOSITION
TO THE SYSTEM OF APARTHEID WILL FALL UNDER ONE OR ANOTHER
CRIMINAL STATUTE.

THIS HAS TWO CONSEQUENCES FOR ANYONE COMMITTED TO
DEMOCRACY AND HUMAN RIGHTS. FIRST, IT MEANS THAT A
DISTINCTION MUST BE MADE BETWEEN THOSE ACTS WHICH ARE
ONLY CRIMINAL BY VIRTUE OF THIS BODY OF REPRESSIVE LEGISLATION
AND ACTS WHICH WOULD BE CRIMINAL IN ANY FREE SOCIETY. BUT
SECONDLY, AND MORE TO THE POINT, IT MEANS THAT THE SYSTEM
OF APARTHEID HAS MADE PEACEFUL CHANGE NO ONLY CRIMIMAL AND
THUS PERSONALLY DANGEROUS, IT HAS MADE IT NEXT TO IMPOSSIBLE.
THIS IS THE POINT I WAS STRESSING IN MY OCTOBER 23RD
SPEECH WHEN I STATED THAT THE SOUTH AFRICAN GOVERNMENT IS
COURTING DISASTER WHEN IT CLOSES OFF AVENUES FOR PEACEFUL
CHANGE. NO PEOPLE WILL FOREVER BEAR THE DEPRIVATIONOF
THE BASIC ELEMENTS OF HUMAN DIGNITY.

THE SOUTH AFRICAN GOVERNMENT CONTINUES TO
EMPLOY ITS LEGISLATION TO STIFLE THE OPPONENTS
OF APARTHEID. AT PRESENT THERE IS AN EFFORT TO DESTROY THE
UNITY MOVEMENT AMONG BLACKS. ON NOVEMBER 17, THE TRAIL OF
NINE YOUNG MEN IS SCHEDULED TO BEGIN. THEY ARE ALL CHARGED

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PAGE 01 USUN N 05782 07 OF 08 080753Z

20
ACTION IO-10

INFO OCT-01 ISO-00 AF-06 ARA-06 EA-07 EUR-12 NEA-10

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LIMITED OFFICIAL USE SECTION 7 OF 8 USUN 5782

FOR ASST SEC OF STATE BUFFUM

WITH "PARTICIPATION IN TERRORISTIC ACTIVITIES." AS I NOTED
BEFORE, WE MUST NOT BE MISLED BY WORDS SUCH AS "TERRORISTIC
ACTIVITIES." ALTHOUGHTHESE YOUNG MEN, IF CONVICTED WILL FACE
SENTENCE RANGING FROM FIVE YEARS IMPRISONMENT TO EXECUTION,
THE INDICTMENT MENTIONS NO ACT OF VIOLENCE, WHETHER AGAINST
PERSONS OR PROPERTY, THAT THESE INDIVIDUALS ARE EVEN ALLEGED
TO HAVE COMMITTED. INSTEAD, THE INDICTMENT AND ACCOMPANYING
DOCUMENTS CONTAIN PAGE AFTER PAGE OF ESSAYS, PLAYS AND POEMS
WRITTEN BY THE ACCUSED. ONE OF THE SO-CALLED "TERRORISTIC
ACTS" IS A CALL FOR BUSINESS INTERESTS TO DISINVEST FROM
SOUTH AFRICA.

THERE ARE SEVERAL OTHER CASES WHICH MERIT SPECIAL
ATTENTION AS ILLUSTRATIONS. A SHOCKING EXAMPLE OF HOW FAR THE SOUTH
AFRICAN REGIME IS WILLING TO GO IN DETAINING PERSONS FOR THEIR
OPPOSITION TO APARTHEID IN ILLUSTRATED BY THE CASE OF
MRS WINNIE AND 18 OTHER AFRICANS WHO WERE DETAINED
UNDER THE TERRORISM ACT IN MAY, 1969. IN FEBRUARY, 1970,
THEY WERE ACQUITTED OF ALL CHARGEZS UNDER THE SUPPRESSION
OF COMMUNISM ACT. AFTER THE JUDGE LEFT THE COURTROOM, THEY
WERE IMMEDIATELY SURROUNDED BY THE SECURITY POLICE WHO,
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WITH GUNS IN THEIR HANDS, PLACED THEM UNDER DETENTION ONCE AGAIN. AFTER SEVERAL MONTHS OF DETENTION, THEY WERE RE-CHARGED FOR THE VERY SAME ACTS, NOW UNDER THE TERRORISM ACT.

THEY ERE ACQUITTED A SECOND TIME. WITHIN A FEW DAYS THEY WERE ALL SERVED WITH FIVE-YEAR BANNING ORDERS.

IN VIEW OF THE FACT THAT THESE PEOPLE WERE TWICE FOUND NOT GUILTY" OF ALL CHARGES - EVEN UNDER THE LOOSE AND REPRESSIVE PROVISIONS OF SOUTH AFRICAN LAW - I CHALLENGE THE SOUTH AFRICAN PRIME MINISTER TO SHOW THAT THEY WERE NOT DETAINED AND BANNED "SOLELY FOR THEIR OPPOSITION TO APARTHEID." INDEED AS THE 1971 REPORT OF THE U.N. SPECIAL COMMITTEE AGAINST APARTHEID HAS DOCUMENTED, CITING SOUTH AFRICAN SOURCES, THE PRIME MINISTER ADMITTED THAT THEY WERE BANNED NOT FOR THEIR PREVIOUS DEEDS BUT "AS A DETERRENT TO FUTURE SUBVERSIVE ACTS." IF THIS IS NOT DETAINING AND BANNING PERSONS SOLELY FOR THEIR OPPOSITION TO APARTHEID, NOTHING IS*

AN EVEN MORE SHOCKING EXMPLE OF THE WAY THE APARTHEID SYSTEM CORRUPTS THE ENTIRE FAVRIC OF SOUTH AFRICAN SOCIETY IS THE CASE OF ROBERT SOBUKWE. NO OTHER CASE BETTER ILLUSTRATES THE LENGTHS TO WHICH THE SOUTH AFRICAN GOVERNMENT WILL GO IN ITS EFFORTS TO QUASH OPPOSITION.

MR SOBUKWE BECAME THE PRESIENT OF THE PANAFRICANIST CONGRESS IN 1959. IN MARCH OF 1960 HE ANNOUNCED A CAMPAIGN AGAINST THE "PASS LAWS." THIS CAMPAIGN INVOLVED A REFUSAL TO COMPLY WITH THE PASS LAWS AND PEACEFUL MARCHES TO POLICE STATIONS AT WHICH TIME THE DEMONSTRATORS SURRENDERED THEMSELVES FOR ARREST. IN THE INSTRUCTIONS TO ALL PAC BRANCHES,MR SOBUKWE STATED: " OUR PEOPLE MUST BE TAUGHT NOW AND CONTINUOUSLY THAT IN THIS CAMPAIGN WE ARE GOING TO OBSERVE ABSOLUTE NON-VIOLENCE."

ON MARCH 21, 1960, MR SOBUKWE, ACCOMPANIED BY ABOUT FIFTY SUPPORTERS, MARCHED TO THE ORLANDO POLICE STATION AND PRESENTED HIMSELF FOR ARREST. AT THE SAME TIME SIMILAR MARCHES TOOK PLACE IN MANY PARTS OF SOUTH AFRICA. AT SHARPEVILLE, THE POLICE OPENED FIRE ON THE PEACEFUL DEMONSTRA-
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TORS KILLING 68 OF THEM.

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MR SOBUKWE WAS CHARGED WITH SEDITION AND INCITEMENT
TO RIOT. HE WAS SENTENCED TO THREE YEARS IN PRISON. HE
SERVED THIS SENTENCE FROM MAY 1960 TO MAY 1963. BUT BEFORE
HIS TERM WAS UP, PRIME MINISTER VORSTER, THEN MINISTER OF
JUSTICE, RUSHED THE 1963 GENERAL LAWS AMENDMENT ACT THROUGH
PARLIAMENT. ENACTED THE DAY BEFORE SOBUKWE WAS TO BE RELEASED,
THE ACT STATES THAT THE "MINISTER,
MAY, IF HE IS SATISFIED THAT ANY PERSON SERVING ANY SENTENCE
OF IMPRISONMENT" UNDER A VARIETY OF ACTS "IS LIKELY TO ADVOCATE,
ADVISE, DEFEND OR ENCOURAGE THE ACHIEVEMENT OF ANY OF THE
OBJECTS OF COMMUNISM..PREHIBIT SUCH PERSON FROM ABSENTING
HIMSELF, AFTER SERVING SUCH SENTENCE, FROM ANY PLACE OR
AREA WHICH IS WITHIN A PRISON."

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PAGE 01 USUN N 05782 08 OF 08 080805Z

11
ACTION IO-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

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LIMITED OFFICIAL USE SECTION 8 OF 8 USUN 5782

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THIS CLAUSE, WIDELY KNOWN AS THE "SOBUKWE CLAUSE" WAS
USED ONLY AGINST MR SOBUKWE. IT WAS EXTENDED ANNUALLY FOR
FIVE YEARS. MR SOBUKWE WAS DETAINED UNDER IT ON BOBBEN ISLAND
UNTIL MAY 13, 1969. HE WAS THEN PUT UNDER BANNING ORDERS
WHICH PLACED HIM UNDER PARTIAL HOUSE ARREST NIAND RESTRICTED
HIM TO THE KIMBERLY MUNICIPALITY. THESE SAME BANNING
ORDERS FURTHER PROHIBITED MR SOBUKWE FROM VARIOUS FORMS
OF POLITICAL EXPRESSION INCLUDING THE PREPARATION OF ANY
"BOOK, PAMPHLET, RECORD, LIST, PLACARD,POSTER,DRAWING,
PHOTOGRAPH, OR PICTURE..IN WHICH...ANY FORM OF STATE OR NANY

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PRINCIPLE OR POLICY OF THE GOVERNMENT OF A STATE IS
PROPAGATED, DEFNEDED, ATTACKED, CRITICIZED, DISCUSSED, OR
REFERRED TO. "

ON MAY 23, 1970, MR SOBUKWE APPLIED FOR AN EXIT PERMIT.
DEPARTURE FROM SOUTH AFRICA ON AN EXIT PERMIT INVOLVES LOSS
OF CITIZENSHIP AND PROHIBITION AGAINST RETURN TO THE COUNTRY.
HE WAS GRANTED THE PERMIT ON MARCH 1, 1971. HOWEVER, AS
HIS BANNING ORDERS RESTRICTED HIM TO KIMBERLY, HE WAS NOT ALLOWED
TO LEAVE. UNBELIEVABLY, THE COURTS OF SOUTH AFRICA HAVE UPHELD
THIS REFUSAL TO ALLOW HIM TO LEAVE. AT PRESENT HE STILL
RESIDES
IN THE KIMBERLY AREA, ALTHOUGH HIS WIFE AND CHILDREN ARE IN
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PAGE 02 USUN N 05782 08 OF 08 080805Z

THE UNITED STATES AND HE HAS BEEN OFFERED A TEACHING POSITION
AT AN AMERICAN UNIVERSITY. HE IS STILL UNDER BANNING ORDERS.

IN SUMMATION, THE BASIC FACTS
ABOUT SOUTH AFRICA ARE CLEAR AND MAY BE STATED IN TWO
PROPOSTIONS:

FIRST) THE MAJORITY OF SOUTH AFRICANS LIVE UNDER AN
OPPRESSIVE GOVERNMENT WHICH DEPRIVES THEM OF
THEIR BASIC HUMAN RIGHTS; AND
SECOND) THE SOUTH AFRICAN SYSTEM OF LAWS IS DESIGNED
AND ADMINISTERED SO AS TO PREVENT THAT
MAJORITY FROM TAKING EFFECTIVE ACTION TO ALTER
THIS CONDITION OF FUNDAMENTAL DEPRIVATION.

IF THE SOUTH AFRICAN GOVERNNMENT HAS ANY DIFFICULTY IN
ACCEPTING THESE TWO PROPOSITIONS, THEN LET ME EXTEND THE
FOLLOWING CHALLENGE TO THEM:

ALLOW THE HUMAN RIGHTS COMMISSION OR ANY COMMISSION
OF INTERNATIONALLY KNOWN AND RESPECTED JURISTS TO CONDUCT
A FULL EXAMINATION TO DETERMINE THE TRUTH OF THESE TWO
PROPOSITIONS. ALLOW THEM ACCESS TO YOUR PRISONS, TO YOUR
DETENTION CENTERS. ALLOW THEM TO TAKE TESTIMONY FROM THE
PEOPLE WITHIN YOUR CONTROL. ALLOW THEM TO MAKE A FULL INQUIRY,
AND THEN LET THE WORLD KNOW THE TRUTH*
UNQUOTE
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, TEXT, APARTHEID, FOREIGN POLICY POSITION, SPEECHES
Control Number: n/a
Copy: SINGLE
Draft Date: 08 NOV 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975USUNN05782
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750389-0480
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
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Line Count: 1026
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 19
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 PRETORIA 19045, 75 PRETORIA 18873
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 08 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <08 JUL 2003 by ElyME>; APPROVED <10 NOV 2003 by ShawDG>
Review Markings:

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06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: VORSTER CHALLENGE TO MITCHELL STATEMENT ON APARTHEID
TAGS: SHUM, PFOR, SF, UNGA, (VORSTER), (MITCHELL, CLARENCE)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006